

PATRICK E. STOCKALPER, SBN 156954
MOLSHREE GUPTA, SBN 275101
KJAR, MCKENNA & STOCKALPER, LLP
841 Apollo Street, Suite 100
El Segundo, California 90245
Telephone (424) 217-3026
Facsimile (424) 367-0400
pstockalper@kmslegal.com
mgupta@kmslegal.com

Attorneys for Defendants,
COUNTY OF LOS ANGELES and
SERGEANT TRAVIS KELLY (erroneously
sued and served as “SHERIFF
DEPUTY BADGE NUMBER 404532”)

(Defendants is exempt from filing fees pursuant to Government Code § 6103)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS [FRCP 12(b)(6)]**

Date: November 7, 2022

Time: 9:00 a.m.

Dept: 850

[Motion to Dismiss and Request for Judicial
Notice filed concurrently herewith]

Action Filed: August 3, 2022

Pretrial Conference: TBD

Trial Date: TBD

Assigned to:

Hon. R. Gary Klausner, District Judge
Courtroom 850

All Discovery Matters Referred to:

Hon. Maria A. Audero, District Judge

1 The hearing on the Motion to Dismiss (the “Motion”) filed by Defendants
2 COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (erroneously sued
3 and served as “SHERIFF DEPUTY BADGE NUMBER 404532”) (“Defendants”), came
4 on for hearing in Courtroom 850 of this Court on November 7, 2022,

5 After considering the pleadings and the supporting evidence, this Court finds, and
6 rules as follows:

7 1. The Complaint for Damages, Declaratory Relief (the “Complaint”) filed by
8 Plaintiff Joshua Assiff on August 2, 2022, and each and every claim alleged therein, fails
9 to state any cause of action upon which relief can be granted.

10 2. Plaintiff’s the Fourteenth Amendment claim is superfluous.

11 3. Plaintiff’s first cause of action against “Defendant DEPUTY” premised on the
12 arrest without probable cause is barred under the doctrine of collateral estoppel.

13 4. Plaintiff has failed to state an entitlement to punitive or exemplary damages.

14 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

15 1. The Motion is GRANTED.

16 2. The Complaint filed by Plaintiff Joshua Assiff on August 2, 2022, and each and
17 every claim alleged therein, is hereby dismissed with prejudice pursuant to FRCP Rule
18 12(b)(6).

19 3. The allegations at paragraphs 18 and 25 and prayer for punitive damages in the
20 Complaint filed by Plaintiff Joshua Assiff on August 2, 2022 are stricken with prejudice
21 pursuant to FRCP Rule 12(f).

22
23 **IT IS SO ORDERED**

24
25 Dated: _____

26 JUDGE OF THE UNITED STATES
27 DISTRICT COURT, CENTRAL
28 DISTRICT OF CALIFORNIA